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*Attorneys for Defendants:
AMY PINTO LOME REVOCABLE TRUST,
U/A/D 5/22/03; AMY PINTO LOME,
individually and in her capacity as Grantor
and Trustee for the Amy Pinto Lome Revocable
Trust u/a/d 5/22/03; and LEONARD D. LOME,
in his capacity as Trustee for the Amy Pinto
Lome Revocable Trust u/a/d 5/22/03*

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Appellant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In Re:

BERNARD L MADOFF,

Debtor.

Adv. Pro. No.08-01789 (SMB)

SIPA LIQUIDATION

(Substantially Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

AMY PINTO LOME REVOCABLE TRUST,
U/A/D 5/22/03; AMY PINTO LOME,
individually and in her capacity as Grantor
and Trustee for the Amy Pinto Lome Revocable
Trust u/a/d 5/22/03; and LEONARD D. LOME,
in his capacity as Trustee for the Amy Pinto
Lome Revocable Trust u/a/d 5/22/03,

Defendants.

Adv. Pro. No. 10-04588 (SMB)

**DECLARATION OF ROBERT M. MCCLAY IN REPLY TO TRUSTEE'S LETTER TO
JUDGE BERNSTEIN DATED JUNE 6, 2016
REGARDING DISCOVERY DISPUTE**

I, Robert M. McClay declare as follows:

1. I am counsel at the law firm of McClay•Alton, P.L.L.P. and admitted Pro Hac Vice to this court, and counsel to Defendants AMY PINTO LOME REVOCABLE TRUST, U/A/D 5/22/03; AMY PINTO LOME, individually and in her capacity as Grantor and Trustee for the Amy Pinto Lome Revocable Trust u/a/d 5/22/03; and LEONARD D. LOME, in his capacity as Trustee for the Amy Pinto Lome Revocable Trust u/a/d 5/22/03 (collectively, "Defendants").

2. I submit this declaration in reply to Trustee, Irving H. Picard's letter to Judge Bernstein dated June 6, 2016 regarding discovery dispute. The Trustee seeks to move for an order (1) compelling Defendants to fully respond to discovery and produce documents responsive to the Trustee's discovery requests, and (2) ruling that any objections to the

Trustee's Interrogatories and Requests for Production are waived, under Federal Rules of Civil Procedure 33(b)(4) and 34.

3. Attached to this declaration are two emails dated May 19, 2016 and May 24, 2016 memorializing phone conversations I had with Jody E. Schechter regarding overdue discovery. I acknowledged discovery responses are overdue and explained that I am behind on a number of matters due to a lengthy trial I completed in May. In the email dated May 24, I stated my plan was to complete discovery responses by June 30 and provide an update as to status of completion on June 15.

4. Please note that Fact Discovery completion in this matter is December 5, 2016 according to the Trustee's Case Management Notice dated September 11, 2015.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: St. Paul, Minnesota

June 9, 2016

By: /s/Robert M. McClay
Robert M. McClay

From: [Schechter, Jody E.](#)
To: [Bob McClay](#)
Cc: [Marvin C. Ingber](#); [Jennifer Fink](#)
Subject: RE: Pinto and Budd
Date: Thursday, May 19, 2016 2:45:36 PM

Bob,

Thank you for the update. I look forward to touching base again soon, once you've dug out a little.

Regards,
Jody

Jody Schechter
Associate

BakerHostetler

811 Main Street | Suite 1100
Houston, TX 77002-6111
T 713.646.1319

jschechter@bakerlaw.com
bakerlaw.com



From: Bob McClay [<mailto:bob@mcclay-alton.com>]
Sent: Thursday, May 19, 2016 2:38 PM
To: Schechter, Jody E.
Cc: Marvin C. Ingber; Jennifer Fink
Subject: Pinto and Budd

Hi Jody,

Thanks for the call. As explained I completed a lengthy trial late Monday. I have been digging out since. The referenced files are near the top of my list. I will review tomorrow and will contact you by Tuesday as to a response time line.

Appreciate your patience.

Best,

Bob

Robert M. McClay
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From: [Bob McClay](#)
To: [Jody E. Schechter \(jschechter@bakerlaw.com\)](#); [Hochmuth, Farrell](#); [Hunt, Dean D.](#)
Cc: [mcingber@comcast.net](#); [Jennifer Fink](#)
Subject: Trustee v. Jamie Pinto et al; Trustee v. Amy Pinto et al
Date: Tuesday, May 24, 2016 4:14:18 PM

Jody,

Thanks for returning my call to discuss our overdue discovery responses. I explained that we are behind on a number of matters to some degree emanating from a long trial I completed last week. Jen and I discussed the above matters yesterday and this morning. Our plan is to complete discovery responses by June 30. I know that is far past the discovery due date. The Trustee's discovery, while appropriate, requires review of numerous documents and requires 6 responses for Amy's case and 4 for Jamie's case. In my defense I note that discovery cut-off is December 2, 2016. If I thought we could do better I would promise an earlier target date. I understand that my request is likely to be rejected and a discovery conference is anticipated for June 15. I will be in a position to provide a better gage as to a target date by June 15. Regardless of whether the discovery conference is held I will provide an update by June 15.

Best,

Bob

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